

upon the land. It is a bill, then, to enforce the vendor's lien for the purchase money of land sold, and conveyed, and the question, is, whether it charges such facts, as, according to well established principles, will justify this court in extending its aid to him.

The rule upon the subject, too firmly established to be disputed, is this : that a "bill in equity can be filed to enforce the vendor's lien, only when the complainant has exhausted his remedy at law, or when he avers in his bill, such facts as will show that he cannot have a full, complete, and adequate remedy at law." Such was declared to be the principle in *Richardson vs. Stillinger*, 12 *Gill & Johns.*, 477, after an examination of all the previous cases upon the subject, and it is not now open for contest.

Now, as I understand this bill, no circumstance is stated, showing either the exhaustion, or the inadequacy of the legal remedy. It does not charge the insolvency of the defendant, or his absence from the state, or any other impediment to the enforcement of the legal remedy, and, consequently, if the complainants are entitled to the aid of this court, it is not because they have stated in their bill, a case showing the inability of the courts of common law to afford them relief, but, because such want of power, appears either in the answer, or evidence, or in some other of the proceedings. The answer, however, certainly does not contain any thing of the sort, it being, on the contrary, there distinctly averred, that the defendant is solvent, and able to pay any claim which the complainant can establish at law.

But the question of jurisdiction depends exclusively, upon the case made by the bill, and in determining whether this court can or cannot grant relief, we are not at liberty to have recourse to the statements of the answer, or to any other part of the proceedings. *Chambers vs. Chalmers*, 4 *Gill & Johns.*, 420.

Confining our attention to the bill in this case, as we are required to do, in settling the question of jurisdiction, and nothing appears to prevent the complainant from obtaining full and